

1 WO
2
3
4
5

6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF ARIZONA

8
9 USA,) No. CR-04-0746-PHX-JAT
10 Plaintiff/Respondent,) CV-05-0526-PHX-JAT
11 vs.)
12 Felipe Garcia-Rios,)
13 Defendant/Movant.)
14 _____)
15

16 Pending before the Court is Movant's Motion to Vacate, Set Aside, or Correct
17 Sentence (Doc. #17). The Magistrate Judge issued a Report and Recommendation ("R&R")
18 (Doc. #27) recommending that the Motion be denied.

19 Neither party has filed objections to the R&R. As a result, the Court hereby accepts
20 the R&R. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985) (finding that district courts are not
21 required to conduct "any review at all . . . of any issue that is not the subject of an objection"
22 (emphasis added)); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (*en
banc*) ("statute makes it clear that the district judge must review the magistrate judge's
23 findings and recommendations *de novo if objection is made, but not otherwise*" (emphasis
24 in original)); *see also Schmidt v. Johnstone*, 263 F.Supp.2d 1219, 1226 (D. Ariz. 2003).

25
26 Accordingly,

27 **IT IS THEREFORE ORDERED** that the Magistrate Judge's Report and
28 Recommendation (Doc. #27) is **ACCEPTED**;

1 **IT IS FURTHER ORDERED** that Movant's Motion to Vacate, Set Aside, or Correct
2 Sentence (Doc. #17) is **DENIED**; and

3 **IT IS FURTHER ORDERED** that this action is **DISMISSED WITH PREJUDICE**
4 and the Clerk of the Court shall enter judgment accordingly (thereby closing both the
5 criminal and civil case).

6 DATED this 4th day of April, 2006.


James A. Teilborg
United States District Judge